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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,024	02/20/2002	Susan A. Magrino	CPFB3000	5189
23488	7590	03/01/2007		
GERALD B ROSENBERG NEW TECH LAW 260 SHERIDAN AVENUE SUITE 208 PALO ALTO, CA 94306-2009			EXAMINER JARRETT, SCOTT L	
			ART UNIT 3623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/079,024

Applicant(s)

MAGRINO ET AL.

Examiner

Scott L. Jarrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9-11, 18, 19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11, 18, 19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendments filed October 12, 2006. Applicant's amendments amended claims 1-5, 9-11 and 18-19, canceled claims 6-8, 12-17 and 20 and added new claims 21-28. Currently claims 1-5, 9-11, 18-19 and 21-28 are pending.

Response to Amendment

2. The Objection to Claim 17 is withdrawn in response to Applicant's cancellation of Claim 17.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-5, 9-11, 18-19 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and method for Reviewing and Qualifying Job Candidates Utilizing Categorized and Free-From Text Data.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9-10 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurzius et al., U.S. Patent No. 6,385,620.

Regarding Claim 9 Kurzius et al. teach a human capital management system and method comprising (Abstract; Figures 1, 3, 6, 9, 14A-16, 21):

- collecting and storing, in a database, performance capability information for a workforce having a plurality of members wherein the performance capability information includes categorized and free-text (unstructured textual content) information (Column 9, Lines 45-68; Column 10, Lines 1-52; Column 16, Lines 11-68; Column 17, Lines 1-56; Figures 1, 5, 6, 14A-15);

- scoring and ranking a subset of the plurality of data sets relative to a predefined set of selection criteria including a first set of predetermined items matchable against categorized information and a second set of predetermined items matchable against the unstructured textual content of the free-text information (Column 15, Lines 7-56; Column 16, Lines 1-10; Column 18, Lines 7-20; Figure 16); and

Art Unit: 3623

- displaying predetermined identifiers of the subset of data sets corresponding with the assigned rankings (Column 15, Lines 7-56; Column 18, Lines 7-25; Figures 9, 11, 16).

Regarding Claim 10 Kurzius et al. teach a human capital management system and method further comprising storing the scoring data; wherein the assigned rankings are derived from a function of the scoring data corresponding to the performance capability information matched by the first and second predetermined items (Column 15, Lines 7-56; Column 16, Lines 1-10; Column 18, Lines 7-20, 54-68; Figures 6, 16, 18).

Regarding Claim 18 Kurzius et al. teach a system and method for evaluating candidates for positions based on performance capabilities and preferences comprising:

- collecting and storing information from a plurality of candidates for a position wherein the information includes categorized and free form information wherein the free form information is unstructured textual content (Column 9, Lines 45-68; Column 10, Lines 1-52; Column 16, Lines 11-68; Column 17, Lines 1-56; Figures 1, 5, 6, 14A-15);
- wherein collecting includes reviewing and qualifying the collected information by a designated reviewer (person, subsystem, routine, etc.) wherein phrases of one or more words occurring in the free form information are associated with instances of capabilities identifiers by the reviewer (candidate mapper, filter engine, candidate review template; Column 1, Lines 23-32; Column 2, Lines 1-7, 25-37; Column 7, Lines 48-68; Column 8, Lines 7-40; Figures 3-4, 15);

Art Unit: 3623

- first scoring the categorized information subject to a weighting specification associated with the position and subject to further qualification of the collected information (Column 5, Lines 48-68; Column 8, Lines 41-68; Column 10, Lines 14-43; Figures 4, 6, 16);
- parsing the free form information to identify instances of key information corresponding to the stored capability identifiers (keyword, phrase matching; Column 6, Lines 54-68; Column 11, Lines 1-8; Figures 14A-14B);
- second scoring instances of the key information subject to weighting specification and further being subject to qualification of the collected information (Column 15, Lines 7-56; Column 16, Lines 1-10; Column 18, Lines 7-20; Figure 16); and
- providing a ranking of the potential candidates based on the first and second scoring (Column 15, Lines 8-68; Figures 14A-14B).

Regarding Claim 19 Kurzius et al. teach a human capital management system and method further comprising providing feedback by the reviewer to a selected member of the potential set of candidates to solicit additional information (Column 14, Lines 18-39; Column 6, Lines 34-54; Figure 11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al., U.S. Patent No. 6,385,620 as applied to claim 9-10 and 18-19 above, and further in view of Clark et al. U.S. Patent No. 5,164,897.

Regarding Claim 11 Kurzius et al. teach a human capital management system and method wherein the workforce data includes a key item data of free-text key items (keywords, phrases) and wherein the scoring includes matching the second set of predetermined items with the key items of the free-text information based on a predetermined lookup correspondence to the key items (candidate mapper, keyword search, skill keywords; Column 6, Lines 54-68; Column 8, Lines 28-68, Column 15, Lines 50-68; Figures 4-5, 14A-14B).

More specifically Kurzius et al. further teach that the system enables users to select "skill keywords" from lists of skill keywords in order to indicate their proficiency for each of the skills/performance capabilities as well as enable other users to search for and/or perform job/candidate matches based on the selected keywords (Column 16, Lines 56-68; Figure 14B).

While the utilization of keyword databases (lists, repositories, dictionaries, libraries, etc.) are well known and commonly utilized in text mining systems/methods (e.g. resume screening tools that identify/match keywords in the database with known/defined skills/capabilities) Kurzius et al. expressly teach a key item *database* of free-text key items as claimed.

Clark et al. teach a key item database (lookup tables, skills library, dictionary, etc.) of free-text key items (Column 1, Lines 45-68; Column 4, Lines 55-68; Column 8, Lines 4-68; Appendix Table VIII-1, Figures 1B, 1C) in an analogous art of identifying and reviewing job candidates for the purposes of matching job candidates performance capability data with job requirements/criteria utilizing multiple "selection criteria."

It would have been obvious to one skilled in the art at the time of the invention that the system and method for human capital management as taught by Kurzius et al. with its ability to associate key words, from a list of predefined keywords, with candidates performance capabilities and match/search based on those keywords would have benefited from utilizing a keyword database in view of the teachings of Clark et al. the resultant system/method enabling users to identify and evaluate job candidates based on multiple selection criteria wherein the criteria keywords are translating keywords to standard codes for easier and/or more standardized representation of the keywords (Clark et al.: Column 1, Lines 45-68).

Art Unit: 3623

9. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al., U.S. Patent No. 6,385,620 as applied to claim 9-10 and 18-19 above, and further in view of Ivanov, U.S. Patent No. 5,706,452.

Regarding Claim 21 Kurzius et al. teach a system and method for evaluating potential candidates further comprising:

- storing the collected information in performance capability data sets (Column 4, Lines 43-47; Figures 1, 3);
- notifying recruiters and/or candidates of updates to the performance capability data using email (e.g. feedback received; Column 14, Lines 12-38); and
- notifying recruiters when updates/modifications are made to job postings (Column 14, Lines 45-54).

Kurzius et al. further teach that the human capital management system and method further comprises:

- enabling users to update performance capability data sets (Column 11, Lines 55-68; Column 12, Lines 1-19; Figure 8); and
- providing feedback about performance capability data sets to recruiters and/or candidates (Column 6, Lines 34-53) as well as associating recruiting events (e.g. interview scheduled) related to the performance capability datasets.

Kurzius et al. does not expressly teach issuing to a designated reviewer a *change electronic notification message* with respect to the predetermined performance capability data set as claimed.

Official notice is taken that it is a common business practice to have several persons (teams, groups, organizations, roles) review (screen, qualify, rate, rank, etc.) job candidate job applications (resumes, work samples, etc.) as part of the recruiting/hiring process/workflow wherein the candidates application is sent (routed) to the various reviewers for the opinion, vote/approval and/or comments (see at least Williams et al., U.S. Patent No. 6,873,964 and Younger et al. U.S. Patent No. 7,149,703).

Ivanov teaches notifying document reviewers of events related to the evaluation/review of documents/information, including changes to the document, in a system and method for managing the evaluation and approval of a document through a series of reviewers (Column 4, Lines 7-28; Column 5, Lines 25-30, 66-68; Column 6, Lines 25-31; 7, Lines 53-68; Column 17, Lines 50-68; Figure 3, 7F-7G) in an analogous art of information/document review for the purposes of automating document review and approval processes/workflows (Abstract) including notifying reviewers regarding changes/edits and/or feedback related to the routed documents (Column 5, Lines 65-68).

Art Unit: 3623

It would have been obvious to one skilled at the time of the invention that the human capital management system and method as taught by Kurzius et al. would have benefited from supporting well known candidate review/recruiting processes/workflows in view of the teachings of official notice and further would have benefited from automating the evaluation and review of candidate information/documents wherein reviewers are notified of document changes/edits in view of the teachings of Ivanov; the resultant system and method enabling users to automate the review and evaluation of candidates job performance capability data sets and notify one or more of the reviewers of changes/modifications made to the job performance capability data sets.

Regarding Claim 22 Kurzius et al. teach a system and method for evaluating potential candidates further comprising issuing an information request electronic notification message to solicit additional information from a selected member (feedback; Column 14, Lines 18-39; Column 6, Lines 34-54; Figure 11).

Art Unit: 3623

10. Claims 1-3 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, U.S. Patent Publication No. 2002/0055870 in view of Ivanov, U.S. Patent No. 5,706,452.

Regarding Claim 1 Thomas teaches a system and method for human capital management comprising (Paragraphs 0013, 0039-0040):

- storing a plurality of workforce performance capability data sets wherein each data set identifies a workforce participant and the participants status (Paragraphs 0007, 0039-0048, 0585, 0602-0610; Table, Page 14);
- supporting the entry and editing of the plurality of performance capability data sets by the workforce participants (Paragraphs 0014, 0046-0048, 0102);
- enabling users to edit/modify/update performance capability data sets (Paragraphs 0048, 0122-0129, 0209-0213);
- issuing email notifications to candidates, reviewers and appliers related to performance capability data sets (e.g. job matches; Paragraphs 0246-0251, 353); and
- associated a predetermined reviewer with the predetermined capability data set (creator; Paragraphs 0687-0694).

Thomas further teaches the prevalence of human capital management systems/methods wherein unstructured/free-form text (resumes) are utilized to identify, evaluate, match and select potential candidates for job positions wherein the unstructured text is parsed and analyzed utilizing keywords (Paragraphs 0008, 0039-0040).

Thomas teaches that the human capital management system and method further comprises continually updating candidate performance capability data (skills, experiences), continually/periodically matching performance capability data to job criteria (Paragraph 0048) as well as identifying the plurality of organizations and user roles utilized in the system (e.g. hiring manager; Paragraph 0656; Figure on Page 28).

Thomas does not expressly teach identifying edits/changes/modifications within the performance capability data sets or subsequently issuing a data change electronic message with respect to a predetermined capability data set wherein the reviewer receives the changes/edits notification message through the system as claimed.

Further Thomas does not expressly teach associating a predetermined reviewer as claimed.

Official notice is taken that it is a common business practice to have several persons (teams, groups, organizations, roles) review (screen, qualify, rate, rank, etc.) job candidate job applications (resumes, work samples, etc.) as part of the recruiting/hiring process/workflow wherein the candidates application is sent (routed) to the various reviewers for the opinion, vote/approval and/or comments (see at least Williams et al., U.S. Patent No. 6,873,964 and Younger et al. U.S. Patent No. 7,149,703).

Further official notice is taken that it is old and well known to assign/associate a predetermined reviewer with a job requisition/position wherein the predetermined

Art Unit: 3623

reviewer is responsible for evaluating and eventually selecting potential candidates for the position/job opening (e.g. hiring manager, HR manager, etc.).

Ivanov teaches notifying document reviewers of events related to the evaluation/review of documents/information, including changes to the document, in a system and method for managing the evaluation and approval of a document through a series of reviewers (Column 4, Lines 7-28; Column 5, Lines 25-30, 66-68; Column 6, Lines 25-31; 7, Lines 53-68; Column 17, Lines 50-68; Figure 3, 7F-7G) in an analogous art of information/document review for the purposes of automating document review and approval processes/workflows (Abstract) including notifying reviewers regarding changes/edits and/or feedback related to the routed documents (Column 5, Lines 65-68).

It would have been obvious to one skilled at the time of the invention that the human capital management system and method as taught by Thomas would have benefited from supporting well known candidate review/recruiting processes/workflows in view of the teachings of official notice and further would have benefited from automating the evaluation and review of candidate information/documents wherein reviewers are notified of document changes/edits as well as associating a predetermined reviewer with a performance capability data set (e.g. position, hiring manager) in view of the teachings of Ivanov and official notice; the resultant system and method enabling users to automate the review and evaluation of candidates job

performance capability data sets and notify one or more of the reviewers of changes/modifications made to the job performance capability data sets.

Regarding Claim 2 Thomas teaches a human capital management system and method wherein the system supports the issuance of an information request electronic message to a predetermined user corresponding to a performance capability data set wherein the request is initiated by the reviewer in order to further qualify the predetermined performance capability data set and requests specified information regarding the predetermined performance capability data set (Paragraphs 0246-0251, 0548; Figure 7).

Regarding Claim 3 Thomas teaches does not expressly teach issuing a change electronic notification message or that the changed electronic notification message includes a first message issued to a screening reviewer (person, computer, program, entity, etc.) and a second notification message to a substantive skill reviewer (first/second reviewers) as claimed.

Official notice is taken that it is a common business practice to have several persons (teams, groups, organizations, roles) review (screen, qualify, rate, rank, etc.) job candidate job applications (resumes, work samples, etc.) as part of the recruiting/hiring process/workflow wherein the candidates application is sent (routed) to the various reviewers for the opinion, vote/approval and/or comments (see at least

Williams et al., U.S. Patent No. 6,873,964 and Younger et al. U.S. Patent No. 7,149,703).

Ivanov teaches notifying document reviewers of events related to the evaluation/review of documents/information, including changes to the document, in a system and method for managing the evaluation and approval of a document through a series of reviewers (Column 4, Lines 7-28; Column 5, Lines 25-30, 66-68; Column 6, Lines 25-31; 7, Lines 53-68; Column 17, Lines 50-68; Figure 3, 7F-7G) in an analogous art of information/document review for the purposes of automating document review and approval processes/workflows (Abstract) including notifying reviewers regarding changes/edits and/or feedback related to the routed documents (Column 5, Lines 65-68).

It would have been obvious to one skilled at the time of the invention that the human capital management system and method as taught by Thomas would have benefited from supporting well known candidate review/recruiting processes/workflows in view of the teachings of official notice and further would have benefited from automating the evaluation and review of candidate information/documents wherein the review process includes a plurality of reviewers (HR, hiring manager, colleagues, etc.) of Ivanov and official notice; the resultant system and method enabling users to automate the review and evaluation of candidates job performance capability data sets

Art Unit: 3623

and notify one or more of the reviewers of changes/modifications made to the job performance capability data sets.

Further it is noted that the labels used to describe the various reviewers merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels used to denote the various reviewers. Further, the structural elements remain the same regardless of the specific labels used to denote the various reviewers. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 23 Thomas teaches a human capital management system and method wherein the performance capability data sets are updated with workforce life-cycle event data to reflect changes of participant status between active and inactive (Paragraph 0048).

Regarding Claim 24 Thomas teaches a human capital management system and method further comprising utilizing electronic mail to provide notifications and communications to and between the plurality of system users (Paragraphs 0353, 0548, 0576; Figure 7)

Thomas does not expressly teach delivering a data *changed electronic notification* message, as discussed above, to the reviewer's delivery address.

Ivanov teaches delivering a data change electronic notification message, as discussed above, to the reviewer's delivery address (notification templates, electronic messaging, mailboxes; Column 7, Lines 53-58; Column 17, Lines 50-68; Figures 3, 7G) in an analogous art of information/document review for the purposes of automating document review and approval processes/workflows (Abstract) including notifying reviewers regarding changes/edits and/or feedback related to the routed documents (Column 5, Lines 65-68).

It would have been obvious to one skilled at the time of the invention that the human capital management system and method as taught by Thomas would have benefited from supporting well known candidate review/recruiting processes/workflows in view of the teachings of official notice and further would have benefited from automating the evaluation and review of candidate information/documents wherein the review process includes a plurality of reviewers who receive the notifications to their mailboxes of Ivanov and official notice; the resultant system and method enabling users to automate the review and evaluation of candidates job performance capability data sets and notify one or more of the reviewers of changes/modifications made to the job performance capability data sets.

Regarding Claim 25 Thomas teaches a human capital management system and method wherein the performance capability data associates a user notification delivery address (e.g. email) with a user wherein the information request notification message is delivered to the users notification delivery address (Paragraphs 0246-0251; Figure 7).

11. Claims 4-5 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, U.S. Patent Publication No. 2002/0055870 in view of Ivanov, U.S. Patent No. 5,706,452 as applied to claims 1-3 and 23-25 above, and further in view of Kurzius et al., U.S. Patent NO. 6,385,620.

Regarding Claim 4 Thomas teaches the prevalence of human capital management systems/methods wherein unstructured/free-form text (resumes) are utilized to identify, evaluate, match and select potential candidates for job positions wherein the unstructured text is parsed and analyzed utilizing keywords (Paragraphs 0008, 0039-0040).

Thomas does not expressly teach matching the categorized data field criteria against categorized data fields and matching free-text data field criteria against the unstructured text contents of the free-text data fields of the performance capabilities data sets as claimed.

Kurzius et al. teach a human capital management system and method comprising:

- the performance capability data set includes categorized data fields free-text data wherein the free-text fields contain unstructured textual content (Column 9, Lines 45-68; Column 10, Lines 1-52; Column 16, Lines 11-68; Column 17, Lines 1-56; Figures 1, 5, 6, 14A-15);

Art Unit: 3623

- the system supports specification of a performance capability requirement set that selects a corresponding subset of performance capability data sets and includes categorized and free-text data field criteria (Column 9, Lines 53-68; Column 10, Lines 1-45; Column 15, Lines 50-68; Column 16, Lines 1-68; Column 17, Lines 1-62; Figures 6, 14A-14B, 15); and

- matching the categorized data field criteria against categorized data fields and matching free-text data field criteria against the unstructured text contents of the free-text data fields of the performance capabilities data sets (Column 5, Lines 48-68; Column 8, Lines 41-68; Column 10, Lines 14-43; Figures 4, 6, 16).

in an analogous art of human capital management for the purposes of organizing, classifying and matching resumes (capability performance data sets) for review and candidate selection (Abstract; Column 6, Lines 54-68).

It would have been obvious to one skilled in the art at the time of the invention that the human capital management system and method as taught by the combination of Thomas and Ivanov would have benefited from including categorized and free-form text/unstructured textual content and matching the categorized and free-text data criteria to corresponding data fields in the performance capability data sets in view of the teachings of Kurzius et al.; the resultant system/method enabling users to automatically classify/index and match candidates using categorized and free-form text data (Kurzius et al.: Column 6, Lines 54-68).

Art Unit: 3623

Regarding Claim 5 Thomas teaches a human capital management system and method further comprising:

- producing a first scoring value based on the matching of categorized data criteria against categorized data fields (skill library, skill categories, skill level score, experience score, etc.; Paragraphs 0018, 0041-0042, 0268, 0276, 0300-0304); and
- presenting the performance capability data sets in ranked order based on the combination of the first scoring values (Paragraphs 0268, 0272; Figure 5).

Thomas does not expressly teach producing a second scoring value based on the matching of free-text data criteria against free-text data fields or presenting the performance capability data sets in ranked order based on the combination of the first and second scoring values as claimed.

Kurzius et al. teach a human capital management system and method comprising:

- producing a first scoring value based on the matching of categorized data criteria against categorized data fields (Column 5, Lines 48-68; Column 8, Lines 41-68; Column 10, Lines 14-43; Figures 4, 6, 16);
- producing a second scoring value based on the matching of free-text data criteria against free-text data fields (Column 15, Lines 7-56; Column 16, Lines 1-10; Column 18, Lines 7-20; Figure 16); and

Art Unit: 3623

- providing a ranking of the potential candidates based on the first and second scoring (Column 15, Lines 8-68; Figures 14A-14B).

in an analogous art of human capital management for the purposes of organizing, classifying and matching resumes (capability performance data sets) for review and candidate selection (Abstract; Column 6, Lines 54-68).

It would have been obvious to one skilled in the art at the time of the invention that the human capital management system and method as taught by the combination of Thomas and Ivanov would have benefited from scoring categorized and free-form text in view of the teachings of Kurzius et al.; the resultant system/method enabling users to automatically classify/index and match candidates using categorized and free-form text data (Kurzius et al.: Column 6, Lines 54-68).

Regarding Claim 26 Thomas teaches a human capital management system and method further comprising

- a scoring database, as part of the performance capability data sets, including first scoring data corresponding to predetermined items of the categorized data fields and a second scoring data corresponding to predetermined key phrases of one or more words predefined as corresponding to phrases that may occur in unstructured textual content of the free-text data fields (Paragraphs 0005, 0055, 0268, 0298-336, 0322-0376; Figures 2,5); and

- wherein the ranked order of the subset of performance capability data is a function of the first and second scoring data evaluated against the performance capability data sets (Paragraphs 0270, 0274-0277).

Regarding Claim 27 Thomas teach a human capital management system and method wherein scoring data, including the predetermined keywords associated with the performance capability data (skill library; Paragraph 0055; Figure 2) is definable by system users including managers (Paragraph 0060).

Regarding Claim 28 Thomas teaches a human capital management system and method wherein the correspondence to the predetermined phrases is determined by parsing the unstructured textual content of the free-text data fields to identify key phrases of one or more words (Paragraphs 0005, 0008, 0009, 0055, 0060).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Stipanovich et al., U.S. Patent No. 5,117,353, teach a human capital management system and method comprising collecting and storing a plurality of workforce performance capability data, screening and qualifying potential job candidates for job orders based on the performance capability data and receiving feedback regarding staff's performance capabilities.

Art Unit: 3623

- Lemble, U.S. Patent No. 5,315,504, teach a system and method for document (information) approval wherein documents are dynamically routed through a series of reviewers/approvers based on predefined business rules and the content of the document.

- Taylor, U.S. Patent No. 5,832,497, teach an online human capital management system and method for evaluating and matching job candidates to jobs.

- De Hilster et al., U.S. Patent No. 5,999,939, teach a system and method for human capital management comprising collecting and storing performance capability data comprising categorized and free-form text data, extracting/parsing performance capability data from free-form text data using well known keyword/phrase methods/techniques, enabling users to interactively modify/edit and approve performance capability data, job and candidate searching and matching as well as requesting additional information (supplemental inquiry) from users for further clarification.

- Nadkarni, U.S. Patent No. 6,266,659, teach a human capital management system and method comprising keyword scanning/parsing of unstructured performance capability data (e.g. resumes), matching candidates and job openings based on standardized/normalized candidate performance capability data (work history, skills, resume, experience, availability status, etc.), keyword searching of unstructured data and alerting employers/reviewers when new candidates are identified.

- Ouchi, U.S. Patent No. 6,279,042, teach a system and method for routing documents for review amongst a plurality of reviewers via an email system.

Art Unit: 3623

- McGovern et al., U.S. Patent No. 6,370,510, teach a system and method for human capital management comprising collecting and storing performance capability data, identifying and evaluating/reviewing/screen candidates by pre-defined reviewers (hiring contact), keyword searching of performance capability data, rating and scoring performance capability data and notifying candidates/reviewers when matches are found via email. McGovern et al. further teaches that manual and computer automated processes for screening, organizing, searching and sorting performance capability data is old and well known.

- Riffanaugh, U.S. Patent No. 6,691,153, teach a human capital management system and method for identifying and evaluating candidates for jobs.

- Lacy et al., U.S. Patent No. 6,735,570, teach a human capital management system and method comprising workforce and manager skill assessment of employees, matching skills and job/task requirements, rating performance capability data. More specifically Lacy et al. teach the supervisory/managerial review of performance capability data completed by staff, creating/adding skills in response to workforce changes and performing performance management reviews based on the performance capability data.

- Pathria et al., U.S. Patent No. 6,728,695, teach a system and method for evaluating, parsing and matching unstructured performance capability data of a plurality of candidates (e.g. resumes) and job postings. Pathria et al. further teach that the utilization of keyword/phrase lists for parsing and matching resumes and job openings is well known.

Art Unit: 3623

- De Hilster et al., U.S. Patent No. 6,996,561, teach evaluating, parsing and matching unstructured data to structured/target data.
- Scarborough et al., U.S. Patent No. 7,080,057, teach a human capital management system and method for identifying, evaluating, and selecting job candidates using performance capability data from candidates and existing employees.
- Younger, U.S. Patent No. 7,149,763, teach an online job recruiting system/toolkit for managing the end-to-end recruitment process.
- Defoor, U.S. Patent Publication No. 2001/0042000, teach a system and method for evaluating and matching job candidates with jobs based on a plurality of performance capability data.
- Bouchard, U.S. Patent Publication No. 2001/0034011, teach a system and method for evaluating/qualifying personnel comprising composite (overall/final) scoring of collected performance capability data based on weighted job/candidate criteria, generating follow-up interview questions based on performance capability data.
- Mayer et al., U.S. Patent Publication No. 2001/0034630, teach a human capital management system and method for matching candidate performance capability data with job profiles/requirements.
- Mann et al., U.S. Patent No. 2002/019765, teach a human capital management system and method comprising well known 360° performance measurement and management methods wherein supervisors and other rates review employee's performance capabilities.

Art Unit: 3623

- Barton, U.S. Patent Publication No. 2002/0046074, teach an end-to-end employee recruitment system and method comprising internal and external talent pools, self-assessments, job searching, job scoring, candidate screening, qualification, scoring and selection via an Application Service Provider business model/architecture.

- Dewar, U.S. Patent Publication No. 2002/0055866, teach a human capital management system and method for evaluating and qualifying candidates comprising candidate screening/testing and candidate ranking/scoring wherein candidates include existing a new employees/staff.

- Roy et al., U.S. Patent Publication No. 2002/0069080, teach a human capital management system and method collecting a plurality of performance capability data including lists of keywords associated with specific performance capabilities and matching job candidates ad jobs based on the plurality of weighted performance capability/job criteria.

- Johnson, U.S. Patent Publication No. 2002/0133369, teach a human capital management system and method for posting and searching job openings wherein candidates providing performance capability data (e.g. unstructured resume, active/inactive status, etc.) which is used to search/match job criteria.

- Cooper et al., WO 99/17242, teach an online recruiting and candidate profiling system and method comprising job requisition management, applicant tracking, and candidate matching to job criteria/profiles having free-form and categorized data fields by screening/parsing resumes (unstructured free-form text) for key terms/words as well as structured candidate profiles (matching/auto matching) and requesting additional

Art Unit: 3623

information from candidates by reviewers. Cooper et al. teach that the candidates include "in-house candidates" of current employees as well as new/external candidates and that candidate profiles can be removed from the system "if after talking with the candidate it is deemed they have exaggerated their skills."

- Hyatt, Two-Times (1988), teaches the well known practice of rehiring former employees.

- Job Mailbag (1994), teaches the well known need to continually update one's resume to notify potential employers of those changes in order to be considered for new positions/opportunities.

- Clyde et al., An Object-oriented Implementation of an Adaptive Classification of Job Openings (1995), teach a system and method for matching candidate performance capability data with employment via the automated classification and profile generation of candidates and job openings wherein unstructured and unclassified job listings are parsed, analyzed and categorized using selected keywords.

- Restract announces Restract Hire 3.0 (1996), teaches a commercially available system and method for managing the end-to-end staffing process.

- Sullivan et al., Recruiting and Retaining Older Workers for the New Millennium (1997), teach the recruitment of retired workers.

- New Lawson Recruitment Release Boots E-Business Functionality (1999), teaches a commercially available system and method for automated job candidate recruitment.

Art Unit: 3623

- Webhire Broadens Recruiting Solutions with Online Extension for Hiring Managers (1999), teaches an recruiting management application service provider that automates job requisition and candidate evaluation and selection process.

- BrassRing Systems Partners with SAP AG to Develop mySAP.com Recruitment Solution (2000), teaches an online hiring management solution for automating the entire staffing lifecycle.

- LensXray Product Brochure (2001), teaches a commercially available system and method for parsing and structuring unstructured candidate performance capability data (resumes).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 3623

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2/22/2007


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Art Unit 3623